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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MATTIS, JASON E	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,907	MOHAN, SAM	
	Examiner	Art Unit	
	Jason E Mattis	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: Line 8 of claim 9 states, "asset of a circular list of sets". This appears to be a typo and should properly read, "a set of a circular list of sets".

Appropriate correction is required.

Drawings

2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bondi (U.S. Pat. 5710885).

With respect to claim 1, Bondi discloses a method of monitoring nodes in a network including a plurality of nodes **(See the Abstract of Bondi for reference to a method and system for monitoring nodes in a network having a plurality of nodes)**. Bondi also discloses processing at least one node identified by an identifier in a set of a circular list of sets with each set of the circular list of sets including zero or more identifiers of nodes **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to processing nodes by sending a status poll to the nodes that are identified by IP addresses, or identifiers, in a entry, which is a set containing 1 node, of a circular queue, which is a circular list of the entries, or sets, with each entry in the circular queue corresponding to exactly one node identifier)**. Bondi further discloses advancing to the next set of the circular list of sets **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status poll messages to each node in the queue at a predetermined time interval meaning that after a poll is sent to the current entry in the queue, the**

queue will advance to the next entry and send a poll to the next entry after the predetermined period of time).

With respect to claim 2, Bondi discloses that processing includes sending a polling message to the at least one node **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status polls to the nodes identified in the circular queue).**

With respect to claim 3, Bondi discloses moving the identifier to a subsequent set of the circular list of sets **(See column 7 line 64 to column 8 line 6 and Figure 7 of Bondi for reference to when a timeout occurs before an acknowledgement is received for a poll, or ping, and if the ping count does not match the maximum ping count number, storing the IP address, or identifier, of the node at a subsequent entry, or set, in the circular queue, or circular list of entries).**

With respect to claim 4, Bondi discloses that the subsequent set is the set that will be processed at the next timing interval of the node identified by the identifier **(See column 7 line 44 to column 8 line 6 and Figure 7 of Bondi for reference to storing the node at a subsequent position in the circular queue only after a timeout, corresponding to the next timing interval that the node should be polled at).**

With respect to claim 5, Bondi discloses adding a copy of the identifier to a subsequent set of the circular list of sets **(See column 7 line 64 to column 8 line 6 and Figure 7 of Bondi for reference to when a timeout occurs before an acknowledgement is received for a poll, or ping, and if the ping count does not match the maximum ping count number, storing a copy of the IP address, or**

identifier, of the node at a subsequent entry, or set, in the circular queue, or circular list of entries).

With respect to claim 6, Bondi discloses that the subsequent set is the set that will be processed when a response form the node identified by the identifier is expected **(See column 7 line 44 to column 8 line 6 and Figure 7 of Bondi for reference to storing the node at a subsequent position in the circular queue only after a timeout, corresponding to the next timing when a response from the node is expected by).**

With respect to claim 7, Bondi discloses processing polling responses **(See column 7 lines 44-63 and Figure 7 of Bondi for reference to processing ping acknowledgments, which are polling responses).**

With respect to claim 8, Bondi discloses that the processing and advancing are performed at periodic intervals **(See column 5 line 54 to column 6 line 28, column 7 lines 36-45, and Figures 3 and 7 of Bondi for reference to sending and processing pings in a controlled sequence at predetermined periodic intervals as controlled by a rate control mechanism 12).**

With respect to claim 9, Bondi discloses a system comprising a processor **(See column 1 lines 41-64 of Bondi for reference to a host processor that is a network management station in a system).** Bondi also discloses a memory storing a network management system for execution by the processor for monitoring nodes in a network **(See column 1 lines 41-64 of Bondi for reference to the network manager being responsible for monitoring nodes of the system, meaning, since the network**

manager is a processor, there must be a code stored in a memory of the network manager that is used to monitor the nodes). Bondi further discloses computer code that processes at least one node identified by an identifier in a set of a circular list of sets with each set of the circular list of sets including zero or more identifiers of nodes **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to the network monitor processing nodes by sending a status poll to the nodes that are identified by IP addresses, or identifiers, in a entry, which is a set containing 1 node, of a circular queue, which is a circular list of the entries, or sets, with each entry in the circular queue corresponding to exactly one node identifier, meaning there must be a computer code stored in the network manager to execute this process)**. Bondi also discloses computer code that advances to the next set of the circular list of sets **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status poll messages to each node in the queue at a predetermined time interval meaning that after a poll is sent to the current entry in the queue, the queue will advance to the next entry and send a poll to the next entry after the predetermined period of time, meaning there must be a computer code stored in the network manager to execute this process)**.

With respect to claim 10, Bondi discloses a method for monitoring nodes in a network including a plurality of nodes **(See the Abstract of Bondi for reference to a method and system for monitoring nodes in a network having a plurality of nodes)**. Bondi also discloses a means for processing at least one node identified by an identifier in a set of a circular list of sets with each set of the circular list of sets including

zero or more identifiers of nodes **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to processing nodes by sending a status poll to the nodes that are identified by IP addresses, or identifiers, in a entry, which is a set containing 1 node, of a circular queue, which is a circular list of the entries, or sets, with each entry in the circular queue corresponding to exactly one node identifier)**. Bondi further discloses a means for advancing to the next set of the circular list of sets **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status poll messages to each node in the queue at a predetermined time interval meaning that after a poll is sent to the current entry in the queue, the queue will advance to the next entry and send a poll to the next entry after the predetermined period of time)**.

With respect to claim 11, Bondi discloses a method of monitoring nodes in a network including a plurality of nodes **(See the Abstract of Bondi for reference to a method and system for monitoring nodes in a network having a plurality of nodes)**. Bondi also discloses receiving a signal from a timer at periodic intervals **(See column 5 line 54 to column 6 line 28 and Figures 3 of Bondi for reference to a status poll transmission queue 10 receiving periodic signals from a rate control mechanism 12)**. Bondi further discloses processing polling responses **(See column 7 lines 44-63 and Figure 7 of Bondi for reference to processing ping acknowledgments, which are polling responses)**. Bondi also discloses processing at least one node identified by an identifier in a set of a circular list of sets with each set of the circular list of sets including zero or more identifiers of nodes **(See column 5 line**

54 to column 6 line 28 and Figures 3-5 of Bondi for reference to processing nodes by sending a status poll to the nodes that are identified by IP addresses, or identifiers, in a entry, which is a set containing 1 node, of a circular queue, which is a circular list of the entries, or sets, with each entry in the circular queue corresponding to exactly one node identifier). Bondi further discloses advancing to the next set of the circular list of sets **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status poll messages to each node in the queue at a predetermined time interval meaning that after a poll is sent to the current entry in the queue, the queue will advance to the next entry and send a poll to the next entry after the predetermined period of time).**

With respect to claim 12, Bondi discloses moving the identifier to a subsequent set of the circular list of sets **(See column 7 line 64 to column 8 line 6 and Figure 7 of Bondi for reference to when a timeout occurs before an acknowledgement is received for a poll, or ping, and if the ping count does not match the maximum ping count number, storing the IP address, or identifier, of the node at a subsequent entry, or set, in the circular queue, or circular list of entries).**

With respect to claim 13, Bondi discloses that the subsequent set is the set that will be processed at the next timing interval of the node identified by the identifier **(See column 7 line 44 to column 8 line 6 and Figure 7 of Bondi for reference to storing the node at a subsequent position in the circular queue only after a timeout, corresponding to the next timing interval that the node should be polled at).**

With respect to claim 14, Bondi discloses adding a copy of the identifier to a subsequent set of the circular list of sets **(See column 7 line 64 to column 8 line 6 and Figure 7 of Bondi for reference to when a timeout occurs before an acknowledgement is received for a poll, or ping, and if the ping count does not match the maximum ping count number, storing a copy of the IP address, or identifier, of the node at a subsequent entry, or set, in the circular queue, or circular list of entries)**.

With respect to claim 15, Bondi discloses that the subsequent set is the set that will be processed when a response form the node identified by the identifier is expected **(See column 7 line 44 to column 8 line 6 and Figure 7 of Bondi for reference to storing the node at a subsequent position in the circular queue only after a timeout, corresponding to the next timing when a response from the node is expected by)**.

With respect to claim 16, Bondi discloses a system comprising a processor **(See column 1 lines 41-64 of Bondi for reference to a host processor that is a network management station in a system)**. Bondi also discloses a memory storing a network management system for execution by the processor for monitoring nodes in a network **(See column 1 lines 41-64 of Bondi for reference to the network manager being responsible for monitoring nodes of the system, meaning, since the network manager is a processor, there must be a code stored in a memory of the network manager that is used to monitor the nodes)**. Bondi further discloses computer code for a timer that generates a signal at periodic intervals **(See column 5**

line 54 to column 6 line 28 and Figures 3 of Bondi for reference to a status poll transmission queue 10 receiving periodic signals from a rate control mechanism 12, meaning there must be a computer code stored in the network manager to execute this process). Bondi also discloses computer code for a poller that processes polling responses **(See column 7 lines 44-63 and Figure 7 of Bondi for reference to processing ping acknowledgments, which are polling responses, meaning there must be a computer code stored in the network manager to execute this process).** Bondi further discloses computer code for a poller that processes at least one node identified by an identifier in a set of a circular list of sets with each set of the circular list of sets including zero or more identifiers of nodes **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to the network monitor processing nodes by sending a status poll to the nodes that are identified by IP addresses, or identifiers, in a entry, which is a set containing 1 node, of a circular queue, which is a circular list of the entries, or sets, with each entry in the circular queue corresponding to exactly one node identifier, meaning there must be a computer code stored in the network manager to execute this process).** Bondi also discloses computer code that advances to the next set of the circular list of sets **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status poll messages to each node in the queue at a predetermined time interval meaning that after a poll is sent to the current entry in the queue, the queue will advance to the next entry and send a poll to the next entry after the**

predetermined period of time, meaning there must be a computer code stored in the network manager to execute this process).

With respect to claim 17, Bondi discloses a system for monitoring nodes in a network including a plurality of nodes **(See the Abstract of Bondi for reference to a method and system for monitoring nodes in a network having a plurality of nodes)**. Bondi also discloses a means for receiving a signal from a timer at periodic intervals **(See column 5 line 54 to column 6 line 28 and Figures 3 of Bondi for reference to a status poll transmission queue 10 receiving periodic signals from a rate control mechanism 12)**. Bondi further discloses a means for processing polling responses **(See column 7 lines 44-63 and Figure 7 of Bondi for reference to processing ping acknowledgments, which are polling responses)**. Bondi also discloses a means for processing at least one node identified by an identifier in a set of a circular list of sets with each set of the circular list of sets including zero or more identifiers of nodes **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to processing nodes by sending a status poll to the nodes that are identified by IP addresses, or identifiers, in a entry, which is a set containing 1 node, of a circular queue, which is a circular list of the entries, or sets, with each entry in the circular queue corresponding to exactly one node identifier)**. Bondi further discloses a means for advancing to the next set of the circular list of sets **(See column 5 line 54 to column 6 line 28 and Figures 3-5 of Bondi for reference to sending status poll messages to each node in the queue at a predetermined time interval meaning that after a poll is sent to the current entry**

in the queue, the queue will advance to the next entry and send a poll to the next entry after the predetermined period of time).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller et al. (U.S. Pat. 6014707) discloses a system method for scheduling for downloads in time slots of a circular list of sets of download requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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